

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AMMUSUN BEY,

Petitioner,

-vs-

Case No. 8:21-cv-2830-WFJ-TGW

STATE OF FLORIDA,

Respondent.

_____/

ORDER

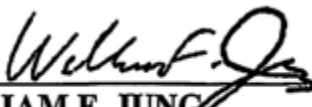
Mr. Bey, a pretrial detainee at the Pinellas County Jail in Clearwater, Florida, filed a letter in which moves the Court to direct Respondent to release him from custody. As a state pretrial detainee, Mr. Bey may challenge his confinement as unconstitutional by petitioning for the writ of habeas corpus under 28 U.S.C. § 2241. *See Stacey v. Warden, Apalachee Corr. Inst.*, 854 F.2d 401, 403 n.1 (11th Cir. 1988) (“Pre-trial habeas petitions . . . are properly brought under 28 U.S.C. § 2241, which applies to persons in custody regardless of whether final judgment has been rendered.”). However, habeas corpus relief under § 2241 is available to a pretrial detainee only if he has first exhausted his state court remedies. *Dickerson v. Louisiana*, 816 F.2d 220, 225 (5th Cir. 1987) (“[A]lthough section 2241 establishes jurisdiction in the federal courts to consider pre-trial habeas corpus petitions, federal courts should

abstain from the exercise of that jurisdiction if the issues raised in the petition may be resolved either by trial on the merits in the state court or by other state procedures available to the petitioner.”).

It is apparent from the face of the petition that Mr. Bey has not exhausted his state remedies before seeking relief in this Court. Moreover, the petition alleges no claim showing Mr. Bey’s confinement may be unconstitutional. To the extent Mr. Bey is arguing the state circuit court lacks jurisdiction over his criminal case, that is a state law issue not properly considered on federal habeas review. *See, e.g., Wright v. Angelone*, 151 F.3d 151, 157–58 (4th Cir.1998) (state law jurisdiction is purely a matter of state law and therefore state court’s determination of state court jurisdiction is binding on federal court).

Accordingly, the construed petition for writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice. The Clerk must close this case.

ORDERED in Tampa, Florida, on December 13, 2021.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

SA: sfc
Copy to: Ammusun Bey, *pro se*